

<u>No:</u>	BH2018/02136	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22-24 St Georges Road Brighton BN2 1ED		
<u>Proposal:</u>	Removal of doors, revised window layout and enlargement of entrance to shop, and infill of courtyard to create new floorspace on basement and ground floors.		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	04.07.2018
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	29.08.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	31.05.2019
<u>Agent:</u>	Pegasus Planning Group Ltd First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL		
<u>Applicant:</u>	Co-operative Group Food Limited C/o Pegasus Planning Group Ltd First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	6476(P)10		14 May 2019
Block Plan	6476(P)11		14 May 2019
Proposed Drawing	6476[P]102	B	14 May 2019
Proposed Drawing	6476[P]103	D	14 May 2019
Proposed Drawing	6476[P]104	A	14 May 2019
Proposed Drawing	6476[P]105	A	14 May 2019
Proposed Drawing	6476[P]200	D	14 May 2019
Proposed Drawing	6476[P]201	C	14 May 2019
Proposed Drawing	6476[P]202	C	14 May 2019

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be commenced until full details of all joinery related to the revised fenestration and doorways including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority.

The details should show that these works will be limited to the areas to be altered and that those parts of the shopfront which are not to be altered and are in good condition will remain intact. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. Prior to first occupation of the enlarged store, a scheme demonstrating that the noise associated with plant and machinery incorporated within the development will be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing representative L90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, the submitted scheme shall demonstrate that no significant adverse impacts from low frequency noise will occur. The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove

5. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is formed of two premises on the northern side of St George's Road, in Kemptown - the existing Co-operative store on the corner of College Place, and a vacant restaurant (formerly known as '24') to the east of the Co-op.

- 2.2. The buildings are three storey properties, with basements below, and residential above the ground floor shopfronts.
- 2.3. The application seeks to incorporate the empty restaurant into the existing Co-operative store, making alterations to the internal layout of the two properties at basement and ground floor level, including alterations to the roof behind the stores.

3. RELEVANT HISTORY

22-23 St George's Road

- 3.1. BH2018/03072: Display of 1no internally illuminated fascia sign & 1no non-illuminated wall mounted sign. (Under consideration)
- 3.2. BH2016/05688: Display of internally illuminated fascia signs and projecting sign and non-illuminated fascia sign and wall mounted panel. (Approved 30/12/16)
- 3.3. BH2015/03088 - Display of externally illuminated fascia and projecting signs and non-illuminated fascia and information signs. (Approved 27/10/2015).
- 3.4. BH2011/02159: Removal of metal clad panel and door and replacement with timber fence and door to side elevation. (Approved 13/9/2011)
- 3.5. BH2008/03088: Installation of external plant equipment (retrospective) (Approved 22/12/2008)
- 3.6. BH2008/02797 - Installation of 3 x fascia signs (externally illuminated) and 1 x projecting sign (internally illuminated) to shop front (retrospective). (Approved 2/01/2009).
- 3.7. BH2004/00009/AD - Installation of 3 externally illuminated fascia signs and one externally illuminated projecting sign. (Approved 6/02/2004).
- 3.8. BH2003/03219/FP: Installation of goods lift and formation of opening in rear elevation. With raising of flat roof, relocation of existing air conditioning unit and installation of 2 No. condensers (Approved 16/1/2004)
- 3.9. BH2003/03069/AD - Proposed externally illuminated fascia sign on 3 elevations. Internally illuminated projecting sign. (Part retrospective). Split (Decision 19.11.2003).

24 St George's Road

- 3.10. BH2006/00591: Installation of new shopfront. (Approved 15/5/2006)

4. REPRESENTATIONS

- 4.1. **Thirty (30) letters** were received from neighbours in response to the original plans at the time the application was first submitted, objecting to the proposed development for the following reasons:
- The proposed development would affect the character of the area which is typically made of small shops
 - There is no need for a larger shop in this area
 - The enlarged shop would have an adverse impact on other local businesses
 - The development would be harmful to the character of the Conservation Area
 - A larger store would require more deliveries and this would cause harm to the area due to traffic and parking problems
 - The new roof over the courtyard would harm the amenity of residents due to its impact on the outlook from the flats above the shop
 - Air conditioning is already too noisy and this would add to the harm
 - The design of the new shop front moves the entrance closer to the entrance of the flats above, and would result in harm to the amenity of residents due to increased noise
 - The new location of the doorway would create security concerns for residents above the shop as their own entrance is next to the proposed shop entrance.
 - The new shop doorway of a larger shop would attract more beggars and rough sleepers
 - The application is misleading as there are more changes happening than included in the description.
 - There is a lack of information in the plans submitted
 - The noise impacts of a larger shop would be more than for the current smaller store and would worsen the existing problems
 - The works would be very disruptive and could cause structural issues in the flats above the shop.
- 4.2. Comments were received from the **Chair of the Bloomsbury Street Residents Association**, concerned with the application on the basis of:
- The height of the infilled section over the courtyard could impact on light, restrict views and be overbearing and claustrophobic.
 - The works could impact on the structure of the building.
 - Impact of air conditioning
 - Impact on property values.
- 4.3. **Councillor Mitchell**, (ward councillor at the time the application was submitted), objected to the proposals, and requested the application be determined by the Planning Committee and requested to be able to speak at the item. A copy of the objection is attached to the report.
- 4.4. **Councillor Platts** has commented on the application, with details of the main concerns of residents with the proposed scheme, and requesting that should the application be determined by the Planning Committee, that a site visit is undertaken to the site and the flats above. A copy of the comments is attached to this report.

Additional comments were received from the consultation following submission of revised plans.

- 4.5. **Five (5) letters** of support were received (including two comments from outside of Brighton) on the following grounds:
- The Co-op have listened and the changes are good.
 - The area needs a new larger store
 - The works would improve the building
 - The works could help with restocking the shop if the crates can be kept off the road.
- 4.6. **Nine (9) letters** of objection were received on the following grounds:
- Concerns over the impact of the development on traffic in the area.
 - Noise and disturbance from an enlarge shop would still be an issue.
 - The building works would be very disruptive
 - Stakeholder engagement by the co-op has been inadequate.
 - The description should have included the internal works.
 - The development would cause harm to the Conservation Area.

5. CONSULTATIONS

5.1. Environmental Health: Comment

The site has been subject to noise abatement notices in the past and the presence of machinery on the roof and other external areas results in harmful noise emissions. Bringing the plant inside will improve the situation with noise emissions, but more information is required to ensure that there are no other unintended noise problems arising. The report supplied with this application does not have sufficient detail to be able to determine what the level of impact would be and whether this would meet the standards set out in BS4142:2014. In the absence of this information now, a suitable condition should be included to ensure that the works undertaken meet the standards required.

5.2. Heritage: No objection

Comments on original application 6th August 2018:

The application proposes the blocking up of the door on the corner of the site, and creating a new entrance through the front of the former restaurant is not supported. The recessed entrance is a common feature on St George's Road providing visual relief and breaking down the scale of the shopfront. The proposed arrangement are not in character with the general pattern, and do not agree with the guidance in SPD02. The goods-in door on College Place is not supported. The arched door on College Place should be used for goods in as this would minimise the impact of the proposals on the streetscene. Improvements to the poor quality entrance to the residential units above the shop should be included as part of the works.

Revised comments following submission of revised details 5th June 2019

- 5.3. The amended plans have revised the shop access so that this is retained at the corner location, and enlarged. The previously proposed goods in on College Place have been removed. These amendments allow the retention of the characteristic proportions and visual interest of the elevation on the street scene. There is insufficient detail on the detailing of any replacement woodwork. Any woodwork not required to be removed should be retained and any replacement joinery associated with the revised street elevation should be matched to the existing pattern.

5.4. **Sustainable Transport:** Comment

Request a Delivery and Service Plan to ensure that the frequency of deliveries do not increase from the current practice. The vehicles are able to use the on street loading bay. The application is unlikely to result in additional trip generation as a result of changing from A3 to A1 use. There is no car parking provided in this application, and this is compliant with SPD14. There is short term pay and display parking available in the area. The site is constrained for cycle storage due to other uses and access issues. While cycle storage should be provided for this use, due to the constraints it will not be required on this occasion.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP4	Retail provision
CP9	Sustainable transport
CP12	Urban design

CP15 Heritage

Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
SR6	Local centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to: the suitability of the proposed change of use of the former restaurant (A3) to retail (A1); the impact of combining the two units into one; the impact of the works to the rear of the combined premises on the appearance of the building and the amenity of neighbours resident above the shop premises; the amenity impact of the operation of the enlarged A1 unit and; the impact of the proposed works on the design and appearance of the property on the street scene and in the context of the East Cliff Conservation Area in which it is located.
- 8.2. Issues relating to the noise and disruption that may arise from building works if the application is approved, and the impact of development on property values, have been raised by a number of the public comments for this application. These matters do not constitute material planning considerations and cannot be taken into account in determining the application, so have not been addressed in the report below.
- 8.3. The application as submitted received a high level of response from occupants in the residences above the shops, from neighbours and the wider community in the area, including from the ward councillor at the time. As a result of the nature and extent of the feedback provided, the applicant requested that no decision be made on the plans pending discussions with residents, and submission of revised plans. Additional consultation took place with the revised plans, and the results of that consultation and the revised plans form the basis of the application currently being determined.

Principle of development:

- 8.4. The application under consideration here involves the change of use of the former A3 restaurant at 24 St George's Road to A1 retail use. While this did not form part of the application description, the matter has been raised by a number of local objectors.
- 8.5. The change of use of a premises from A3 to A1 constitutes permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and does not require permission. Therefore, while this element of the overall scheme underpins the rationale for the substantive parts of this application, the change of use itself does not form part of the consideration.
- 8.6. Similarly, the proposed internal works of removing walls and reconfiguring the internal layout do not constitute development under Section 55 of the Town and Country Planning Act 1990, and so these do not form part of the consideration of the application.

Design and Appearance and Heritage Issues:

- 8.7. The application as first submitted included alterations to the street elevations on St George's Road, and on College Place. The proposals included the removal of the existing entrance on the corner, with a new wide entrance replacing part of the window forming the front elevation of the former restaurant, and removing part of the existing fenestration on College Place to create a new goods-in entrance.
- 8.8. It was considered that from the perspective of design and appearance, particularly with regard to the context of the premises within the East Cliff Conservation Area, that these proposed alterations to the external appearance of the properties would have been harmful to the buildings and to the wider conservation area in which they are located.
- 8.9. The revised plans have altered these details so that the existing windows on the former restaurant would remain as at present, although the existing doors would be removed and replaced by additional window panels. The entrance to the shop would remain in the current corner location on 22 St Georges Road, and be enlarged and a new level access provided to improve accessibility. The College Place elevation would remain unaltered.
- 8.10. In terms of the street elevations, subject to details as per the Heritage comments below, the proposed alterations are considered minor and would not harm the appearance of the building.
- 8.11. A number of concerns were raised by Heritage Officers in response to the original application, specifically with the alterations to the windows of the former restaurant to create the new entrance to the expanded shop, which would have altered the pattern and form of shopfront in a way which conflicts with the predominant and characteristic pattern of doorways in this area, would not have been consistent with the advice in SPD02 and due to the prominent position occupied by the should, would have caused harm to the Conservation Area.

- 8.12. In addition, the original application would have created a new door for the goods-in entrance on College Place in place of one of the existing windows. This was also considered to be out of character with the conservation area.
- 8.13. The revised plans, following public feedback, have removed these aspects of the original scheme, and the alterations now proposed are reduced in scope, such that the new door proposed on College Place is not included, the shop entrance is in the same location but enlarged, and the doors of the former restaurant are replaced by windows. These more limited alterations are considered to be broadly acceptable in terms of the impacts on the Conservation Area. However, precise details will need to be submitted and agreed with regard to the profile of the proposed joinery to be used around the revised windows and doors - these details will be secured by condition.
- 8.14. It is considered that the proposed roof over the currently open courtyard would enhance the appearance of the building. The courtyard is currently neglected, with dilapidated screening, redundant ducts, and pipes, blocked or broken doors and windows, and used mostly by pigeons. The proposed roof would make this space usable and useful, while causing no significant harm to the appearance of the host building.
- 8.15. In summary, the proposed changes to the street elevation, and overall would not cause harm to the appearance of the property, either in its own right or within the streetscene, and the impact on the Conservation Area would be acceptable.
- Impact on Amenity:**
- 8.16. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.17. The proposed revised development has the potential to cause harm to the amenity of residents in a number of ways, and there were many objections from members of the public in regard. These impacts could be experienced through increased noise from the operation of machinery and equipment within the store, the increased noise and disturbance arising from the normal use of the enlarged store including increased numbers of shoppers and deliveries, and the potential impacts of the proposed infill roof over the existing courtyard in terms of outlook or loss of light.
- 8.18. There are air conditioning units in place on the roof at present as well as a condensing unit above the entrance on College Place. These were subject to a noise abatement notice in 2013, and further complaints in 2017. The proposals presented here would move all the external plant and machinery inside the building, at basement level, with a single ground floor level ventilation louvre at the rear of the building. The removal of the equipment from the roof provides an opportunity to address a long term challenging

situation in terms of the noise and disturbance, and the basement area location of the equipment removes the machinery to some distance from the residential areas. Nonetheless, there would still be noise emissions from the ventilation louvre, and the level of noise from this still has the potential to cause harm. In order to ensure that the noise generated does not cause a nuisance, a condition will be applied to ensure that the final scheme meets the standards required in the BS4142.

- 8.19. The works at the rear of the property to create a new roof over the currently open courtyard would enclose a space that would otherwise be accessible by staff of the shop/restaurant, where any noise created by legitimate use could easily impact on all the residences on the floors above the shop. By enclosing the space under a roof, noise generated by the use of this space would no longer impact on the adjacent residential properties. The area immediately under the proposed roof would be part of the retail floor area, and the noise generated by this use is not anticipated to be at a level that would cause noise leakage through the proposed roof.
- 8.20. The enclosure of the courtyard area would be between the ground and first floors of the building. All the residential units are at first or second floor, above the level of the proposed roof, which would therefore not result in overshadowing or obscuring views.
- 8.21. The enlarged store has the potential to increase the footfall from customers, with the associated increase in impacts of noise and disturbance. However, it is considered that the store would continue to be used more as a convenience store rather than a location for main shopping trips, and with the lack of customer parking would be primarily used by local or passing customers. The use of the premises as a shop rather than as the former restaurant is not considered likely to result in increased noise and disturbance. Notwithstanding this, it is worth noting that if the application had not required any external alterations, the proposed conversion of the restaurant (A3) into retail (A1) and the internal alterations required to facilitate this, would all have been possible under permitted development, and planning permission would not have been required.
- 8.22. For the reasons set out above, the application is considered to not cause harm to the amenity of residents.

Sustainable Transport:

- 8.23. The proposed development does not offer any parking spaces, which is the same as the existing provision, and this is considered acceptable.
- 8.24. The proposed development has not allowed for any cycle storage for staff. While the enlarged building would occupy a significant area, the areas allowed for staff are in the basement and would be accessed through the shop. Therefore despite the apparent size, the enlarged premises are considered to be constrained and not readily accessible for bicycles to be stored internally. As the premises are on a bus route, and close to others, and as there are a number of on-street cycle storage locations nearby, it is

considered that it should not be required for the applicant to provide secure covered cycle storage on site.

- 8.25. The applicant proposes to use the same delivery and servicing arrangements as at present, and has indicated that the enlarged store would not require any additional deliveries beyond the existing frequency as the shop would have a larger storage area and could hold stock to last longer periods. In order to secure this going forward, a condition will be applied to require a delivery and service plan, detailing the timings and frequency of these functions.

9. EQUALITIES

- 9.1. The proposed alterations to the entrance to the store would result in a wider doorway and a new level access, with the result that the store would be more accessible for those with limited mobility.

